

GOVERNMENT OF TELANGANA
ABSTRACT

Tribal Welfare Department – Telangana State – Bhadradri Kothagudem District – Revision Petition filed by Sobbani Chukkaiah S/o late Venkaiah R/o Kakarla village of Julurpadu Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) against orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.46 of 2003, dated 30.11.2004 in respect of land admeasuring acs.3.00 gts in Sy.No.257 situated in Kakarla village of Julurpadu Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) – DISMISSED – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No.68

Dated:09.10.2023.
Read the following:-

1. Orders of Special Deputy Collector (Tribal Welfare), Palvancha in LTR case No. 1250/94/JLP, dated 16.08.1995.
2. Orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.46/2003, dated 30.11.2004.
3. Revision Petition filed by Sri Sobbani Chukkaiah S/o. Late Venkaiah, R/o Kakarla (V), Julurupada (M) Khammam District, dated 06.10.2007.
4. Common orders of the Hon'ble High Court of Judicature, Andhra Pradesh in WP No.3841 of 2005 dated 9.8.2007
5. Govt.Memo & Letter No.7107/LTR-2/2007-1&2, dated 03.11.2007
6. From the Additional Agent to Government, Bhadrachalam, RP No. 7107/LTR-2/07/-1 (CMA No.46/2003), dated 18.11.2008.
7. From the Special Deputy Collector (Tribal Welfare), Bhadrachalam, LTR Case No. 1250//94/JLP, dated .12.2008.
8. Govt.Letter/Notice. No.7107/TW.LTR/2007, dated 20.04.2016, 26.05.2016, 03.08.2016, 12.09.2016, 03.01.2017, 01.03.2017, 31.03.2017, 12.05.2017, 22.07.2017, 09.10.2017, 12.12.2017, 03.01.2018, 02.02.2018, 19.04.2018, 06.06.2018, 28.07.2018, 27.11.2019, 27.10.2020, 08.01.2021,11.02.2021 and 03.09.2021
9. Implead petition of Bhukya Haribabu, dated 27.02.2021.
- 10.Govt.Memo No. 7107/TW.LTR/2007, dated 03.09.2021.
- 11.From the Tahsildar, Julurupadu, Rc.No.B/250/2020, dated 24.09.2021.

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ORDER:

In the reference 3rd read above, Sri Sobbani Chukkaiah S/o late Venkaiah R/o Kakarla village of Julurpadu Mandal, Bhadradri Kothagudem District (erstwhile Khammam District) has filed the Revision Petition before the Government against orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.46 of 2003, dated 30.11.2004 in respect of land admeasuring acs.3.00 gts in Sy.No.257 situated in Kakarla village of Julurpadu Mandal, Bhadradri Kothagudem District (erstwhile Khammam District).

2. The history of the case is that on the report of the Mandal Revenue Officer, Julurpadu bearing No.B/1712/94, dated 27.9.1994, LTR case No.1250/94/JLP was registered by the Special Deputy Collector (TW) Palwancho against Sri Sobbani Venkaiah R/o Kakarla while Sri Hasan Ahmed was proforma petitioner. Despite several notices, respondent failed to attend and produce any documental evidence. Respondent found in unauthorized occupation of suit land contrary to the provisions of AP Scheduled Areas Land Transfer Regulation I of 1959 read with Regulation I of 1970 and deserves eviction from the suit land. Therefore, ordered ejectment of respondent in possession of immovable property of acs.3.00 situated in Sy.No.257 in Kakarla village of Julurpadu Mandal to be taken over to Government by the Mandal Revenue Officer and assign it to eligible poor tribals in the reference 1st read above.

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3. Aggrieved by the above orders of the Special Deputy Collector (TW), Palwancha (now Bhadrachalam), Sri Sobbani Venkaiah S/o Ramaiah R/o Kakarla (v), Julurpadu Mandal had filed an Appeal before the Agent to Government, Khammam and it was numbered as CMA 50/98 and later transferred to the court of Additional Agent to Government & Project Officer, ITDA, Bhadrachalam where it was re-numbered as CMA 46/2003 and disposed on 30.11.2004 in the reference 2nd read above with the following findings:

- Case posted to 7.8.2004. Appellant son present – ordered to bring LR's on record and to file document.
- Case again posted to 6.11.2004. Appellant son present and contended that Sobbana Venkaiah had purchased acs.3.00 of dry land in Sy.No.257 situated at Kakarla village, Julurpadu Mandal from Sk. Hassan Mohammad through an agreement of sale dated 20.08.1968 for a valid consideration of Rs.2000/- and on the same date Rs.750/- was paid and put in possession. The remaining amount was paid on 24.04.1970 and the appellant got registered appeal schedule property on his name and finally prayed to allow the Appeal.
- As seen from lower court order, Sobbana Venkataiah did not produce any documents and did not choose to appear. His main contention is that the scheduled land was purchased through an agreement of sale dated 20.8.1968 and paid Rs.750/- and remaining amount Rs.1250/- paid at the time of registration. In support of his claim, registered document dated 24.04.1970 was produced.
- The question before the court is whether alleged sale agreement dated 20.8.1968 and registered sale deed dated 24.4.1979 are valid and have got any value. It is well-established law that a sale of immovable property should be done through a registered sale deed. The appellant produced one sale agreement and another registered sale deed. As per the sale agreement dated 20.8.1968 only Rs.750/- was paid and remaining Rs.1250/- has to be paid before 19.08.1970.
- The alleged sale agreement is only on white paper and it has no value in the eye of law and also creates doubt for giving such a long time for registration of documents. The alleged sale agreement is only created to overcome the regulation and an after thought to support the registered sale deed dated 24.4.1970. Coming to the next point, the sale dated 24.4.1970 was registered after 3.2.70 which is void under 1/59 as amended by 1/70. This registered document is sufficient to show that this transaction is a clear violation and in contravention of Regulations.
- This registered sale deed did not mention that the schedule land was already purchased through an agreement of sale dated 20.8.19968. If really the alleged sale had taken place in the year 1968, the said sale transaction would have been mentioned in the later registered sale deed. In the absence of any such mention in the registered sale deed, it cannot be believed that the transaction took place prior to 1970.
- As per the evidence, it is proved beyond that the transfer of immovable property belonging to non-tribal was made to another non-tribal in contravention of the sub-section of the section (3) of the Regulation 1/59 read with 1/70 which is null and void.
- Therefore, lower court orders are confirmed.

4. Aggrieved by the above orders of the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, in the reference 3rd read above, Sri Sobbani Chukkaiah S/o late Venkaiah R/o Kakarla village of Julurpadu Mandal has filed the present Revision before the Government on 6.10.2007 urging the following grounds:

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- i) The order of Special Deputy Collector (Primary authority) show the petitioner in the case died. The proceedings were initiated on the basis of report of Mandal Revenue Officer. The case was built on the name of dead person and passing orders is illegal and void.
- ii) Appeal filed before the Agent to Government, Khammam in 1996 was transferred to the Project Officer, Bhadrachalam. Appeal filed by father of the petitioner died in the year 1998. The same was brought to the notice of the Project Officer and also stated that the papers are with the advocate at Khammam and requested time but no time was granted and disposed of the appeal without impleading the petitioner as appellant. The order is violative of principles of natural justice and arbitrary.
- iii) The land was purchased on 20.6.1968 by father of petitioner through an agreement of sale and the registered sale deed executed on 24.4.1970. The said fact was clearly mentioned in the sale deed. As such the transfer is not hit by the provisions of the Regulation.
- iv) The authorities should have seen that the registration of the sale deed relates back to the date of agreement.
- v) The authorities ought to have seen that the Scheduled Areas have to be declared by the President of India under Part C of V Schedule of the Constitution. The land situated in Kakarla village in Julurpadu Mandal at present, is not a scheduled area. The reasons are:
 - a) The Telangana Area Tribal Areas Regulation 1359 F was made for administration of Tribal areas, but the Tribal areas were not notified in the Telangana Area under the Regulation.
 - b) The Presidential Order dated 7.12.1950 promulgated declaring the Scheduled Areas in the Hyderabad State. The clauses 10, 11, 12 & 13 of the order refers to the villages of Warangal District. The clauses 12 & 13 refers to Kothagudem of Yellandu Taluk and Burgampad village of Palvancha taluk respectively.
 - c) The said order in Para 3 (last page of the Presidential Order) clearly states about any change of the name of the territorial division referred, shall correspond to the present name.
 - d) The Kakarla Village is under Madhira taluk. The Warangal District was reorganized and a Notification dated 21.4.1950 was issued forming new taluks and inclusion and exclusion of villages from one taluk to other. In the said process, the Burgampad a new taluk was formed. The Kakarla village included in the Chandrugonda circle of Palvoncha taluk. Accordingly, the Kakarla village came under Palvoncha taluk from Madira taluk.
 - e) The Presidential Order clauses 12 & 13 clearly show the villages and the taluks which were prior to 21-4-1950. After 21-4-1950 taluks and villages are taken into consideration the Presidential notification becomes uncertain. The Presidential Order clearly shows the villages and the taluks basing on the territorial divisions existing before 21.4.1950.
 - f) The Presidential Order issued on the basis of the report of the then Government. The survey conducted by the then authorities, submitted reports stating the specific villages and taluks existing at that time. Basing on the report, the Presidential order was issued referring the villages and taluks mentioned in the report. There was never any survey or consideration of Madira taluk villages at that time. The Palvoncha and Yellandu taluks were surveyed and reported. By the time the Presidential Order issued, the Kakarla village in Palvoncha taluk, the village transferred from Madira taluk is also

treating as scheduled area. In view of the last para of the Presidential Order which is more cautious referred as stating the changes of name of the divisions but not treated the territories of the names of new divisions.

- g) The reports submitted to the President of India in issuing the order are available with the Govt. and may be kindly taken into consideration.
- vi) Accordingly, the Kakarla village under the erstwhile Madira taluk, which was on reorganization, came under Palvoncha taluk is not a schedule area, as per the Presidential Order. The Regulation 1 of 1959 is not applicable and that the orders are without jurisdiction.
- vii) The other reasons given by the authorities in treating the transfer of the land in contravention of provisions of the Regulation are not sound and tenable.

5. Along with the Revision, the Petitioner has also filed petition stating that there is standing crop of chillies in the field and therefore, prayed to direct the respondents not to evict him from the land in Sy.No.257 extent acs.3.00 situated in Kakarla village of Julurpadu Mandal pending disposal of the Revision Petition.

6. A certified copy of the judgement of the Hon'ble High Court in WP No.3841 of 2005 dated 9.8.2007 and the batch was also enclosed.

7. As seen from the common judgement delivered by the Hon'ble Sri Justice VVS Rao and the Hon'ble Sri Justice G.V.Seethapathy on 9.8.2007 in WP Nos.1241, 3814, 11731, 11732, 11733, 14138, 23892, 4660 and 26029 of 2005, 462, 13775, 13800, 18900, 23097, 26412, 26417, 21632 of 2006 and 1427, 1959, 2232, 2268, 1620, 2688, 3951, 4258, 4334, 4494, 4854, 3642, 6004 and 6316 of 2007, the WP No.3841 of 2005 was filed by the Revision Petitioner herein viz., Sri Sobbani Chukkaiah S/o late Venkaiah against 1) Government of AP represented by the Secretary, Revenue Department, Secretariat, Hyderabad; 2) Agent to the Government, Khammam; 3) Additional Agent to the Government/Project Officer, ITDA, Bhadrachalam, Khammam District; 4) Special Deputy Collector (T.W), Bhadrachalam, Khammam District and 5) Mandal Revenue Officer, Julurpadu, Khammam District – praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue an appropriate Writ order or direction more particularly in the nature of Mandamus:

- a) To declare the G.O.Ms.No.193, Revenue (Ser.I) Department dated 17.4.2002 issued by the Special Chief Secretary to Government is contrary to the provisions of the Fifth Schedule to the Constitution of India and null and void.
- b) To declare that the order in CMA 50/98 dated 30.11.2003 issued by the Agent to Government, Khammam is illegal and without jurisdiction.
- c) To declare the orders passed by the Additional Agent to Government & Project Officer, ITDA Bhadrachalam is without jurisdiction of High Court and arbitrary.
- d) To declare the order passed by the Special Deputy Collector (TW) Paloncha in LTR case No.1250/94/JLP dated 16.8.1995 is arbitrary, violative of principles of natural justice and illegal.

Summary findings of the judgement is as follows:

- 1. The impugned Notification issued vide G.O.Ms.No.193, dated 17.04.2002 does not suffer from any vice or invalidity by reason of not being assented to by the President of India under Paragraph 5 (4) of Fifth Schedule to the Constitution of India.

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2. By reason of impugned Notification issued by Governor of Andhra Pradesh under Paragraph 5 (1) of Fifth Schedule, Section 3 of Delegation Act is also applicable to the Regulation I of 1959 made by the Governor under Paragraph 5(2) of Fifth Schedule.
3. There is no illegality or infirmity in Government of Andhra Pradesh designating Project Officers of Integrated Tribal Development Agencies as Additional Agent to Government in Scheduled Areas for the purpose of Regulation I of 1959, and exercise powers of Agents under the said Regulation.
4. The Additional Agent to Government (Project Officer, ITDAs) is subordinate to the District Collector, though he exercises concurrent jurisdiction under Regulation I of 1959 and therefore, it is competent for the District Collector to transfer cases pending before him including the Appeals under Section 3 (3) (a) (iii) to the Additional Agent.

Conclusions

In the result, WP Nos.3841, 11731, 11732, 11733, 14138, 23892, 4660 and 26029 of 2005 and WP Nos.462 and 13775 of 2006 are dismissed. However, the petitioners in these cases are given liberty to prefer a Revision under Section 6 of Regulation I of 1959 within a period of three weeks from the date of receipt of copy of this order. As and when such Revisions are filed, the Government may entertain the same and pass appropriate orders after giving notice to the petitioners and all other aggrieved parties.

Insofar as WP Nos.13800, 18900, 23097, 26412 and 26417 of 2006; 1427, 1959, 2232, 2268, 1620, 21632, 2688, 3951, 4258, 4334, 4494, 4854, 3642, 6004 and 6316 of 2007, which are filed against the notice of hearing issued by the respective Additional Agents, these cases are dismissed giving liberty to the petitioners to pursue their appeals before the respective Additional Agents, who are directed to dispose of the Appeals within a period of eight weeks from the date of receipt of copy of this order.

Insofar as WP No.1241 of 2005, which is filed against the order of the Additional Agent in I.A.No.14 of 2004, dated 18.12.2004, refusing to condone the delay of eight and half years is concerned, we see no ground to interfere with the same. The same is dismissed. There shall be no order as to costs.

8. In compliance to the above orders of the Hon'ble High Court dated 9.8.2007, Sri Sobbani Chukkaiah S/o late Venkaiah, the Revision Petitioner herein has filed the present Revision before the Government on 6.10.2007.

9. In the reference 5th read above, Government while admitting the Revision Petition requested the Project Officer & Additional Agent to Government, Khammam District to send para-wise remarks and connected case records in the matter. Further, informed the counsel for Revision Petitioner Sri R.Kameshwar Rao, Advocate that the request for grant of stay on the operation of the order of Agent to Government is rejected.

10. In the reference 6th read above, the Additional Agent to Government, Bhadrachalam has submitted case record in CMA No.46/2003 along with para-wise remarks through. The gist of para-wise remarks is as under:

- i) With regard to the contention of the revision petitioner that the lower court (the Special Deputy Collector (TW), Bhadrachalam) passed order against the dead person, against the said order, the revision petitioner's father filed CMA before the Additional Agent to Government, Bhadrachalam showing only the Mandal Revenue Officer, Julurpadu as respondent. The Revision Petitioner did not file the appeal impleading LR of dead person which means he has aggrieved the orders and omitted the non-official respondents and added only the official respondents. Therefore, he is estopped from questioning the lower court order.

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- ii) It is the duty of the appellant to bring the LR's on record. The Revision Petitioner herein son of late Venkaiah has to file LR petition and he himself has to be added as LR to continue the proceedings. The Revision Petitioner knowing fully well that his father filed the CMA and died while the matter is pending. It is the duty of the Revision Petitioner to add himself as L.R.
 - iii) The case of the Revision Petitioner is that the land was purchased on 20.6.1968 by his father through an agreement of sale and the same was registered on 24.04.1970. As seen from the agreement dated 20.6.1968 for the sale consideration of Rs.2000/- and Rs.750/- was paid and remaining amount to be paid on 24.04.70. Admittedly, the schedule was registered on 24.04.1970 which is clearly after commencement of the Regulation.
 - iv) Admittedly the Regulation came into force in Telangana area on 1.12.1963 onwards. The Revision Petitioner stated about the Presidential Order and its clauses for the application of the order. This court is not competent to decide the constitutional validity of the said orders.
11. In the reference 7th read above, The Special Deputy Collector (TW), Bhadrachalam has submitted original LTR case file bearing No.1250/94/JLP.
12. In the reference 10th read above, case called hearing on the following dates:
- | | |
|------------|---|
| 02.04.2016 | Adjourned. |
| 30.04.2016 | Both parties called absent. |
| 04.06.2016 | Both parties called absent. |
| 06.08.2016 | Counsel for petitioner present and prayed time for one more hearing. Adjourned to 24.9.2016. |
| 24.09.2016 | Counsel for petitioner present. Directed to file written arguments – adjourned to 04.02.2017. |
| 04.02.2017 | Both parties and counsel called absent. Adjourned to 25.03.2017. |
| 25.03.2017 | Adjourned to 29.04.2017. |
| 29.04.2017 | Adjourned to 17.06.2017. |
| 17.06.2017 | Adjourned to 05.08.2017. |
| 05.08.2017 | Adjourned to 21.10.2017. |
| 21.10.2017 | Counsel for petitioner present and reported death of revision petitioner. Prayed time for filing LR's. Adjourned to 23.12.2017. |
| 23.12.2017 | Adjourned to 20.01.2018. |
| 20.01.2018 | Both parties and counsel called absent. Adjourned to 24.02.2018. |
| 24.02.2018 | Counsel for petitioner present and prayed for time to identify LR's. Adjourned to 28.4.2018. |
| 28.04.2018 | Parties and counsel called absent. Adjourned to 30.06.2018. |
| 30.06.2018 | Counsel and all parties called absent. Adjourned to 4.8.2018. |
| 04.08.2018 | Adjourned to 22.09.2018. |
| 22.09.2018 | Adjourned to 07.12.2019 |
| 07.12.2019 | Both parties and counsel called absent. |
| 07.11.2020 | Counsel for petitioner present. Tahsildar, Julurpadu called absent. |
| 23.01.2021 | Counsel for petitioner called absent. Adjourned to 27.02.2021. |
| 27.02.2021 | Parties and counsel for petitioner called absent. Tahsildar, Julurpadu present. He reported that the Revision Petitioner is not residing in the village and left Kakarla village 10 years ago, hence Notice could not be served on him. |

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25.9.2021

Petitioner and his counsel called absent. The Tahsildar, Julurpadu present and submitted report. Sri B.Haribabu, proposed implead respondent present.

13. During hearing on 27.2.2021, one Bhukya Haribabu S/o late Hanumanth R/o Regallathanda of Laxmidevipalli Mandal in Bhadradi Kothagudem District attended and submitted representation in the reference 9th read above, that his late father Sri Bhukya Hanumanth had purchased the land measuring an extent of acs.3.00 situated in Sy.No.257 of Kakarla village for a sale consideration of Rs.1,26,000/- (Rupees One lakh twenty six thousand only) from its owner Sri Sobbani Venkaiah S/o Chinna Ramaiah through an agreement of sale dated 11.8.1994 in the presence of witnesses namely 1) Buggini Satyamaiah and 2) K.Venkata Krishnaiah. The said agreement was also signed by his sons 1) Sobbabni Chukkaiah and 2) Sobbani Ramakrishna. The possession was also handed over to his father on the same day in the presence of witnesses and thus his father came into possession and subsequently inherited to him after his demise on 1.4.2019. He has also enclosed Death Certificate of his father issued by the Panchayat Secretary, Gram Panchayat, Regalla Pedda Thanda of Laxmidevipalli Mandal wherein it was certified that Sri Bhukya Hanumanth was expired on 1.4.2019 at Regalla Pedda Thanda village.

While it stood thus, he came to know that Sri Sobbani Chukkaiah (i.e. son of Sri Sobbani Venkaiah) has filed Revision Petition before the Government against orders of the Additional Agent to Government and Project Officer, ITDA Bhadrachalam in CMA No.46 of 2003, dated 30.11.2004 confirming orders of Special Deputy Collector (Tribal Welfare), Palvanha in LTR case No.1250/ 94/JLP, dated 16.8.1995 – which his late father was not aware of the said LTR proceedings both before the lower and appellate authorities. Further, Sri Sobbani Chukkaiah and his brother Sri Sobbani Ramakrishna were also expired. Therefore, Sri Bhukya Haribabu prayed the Government to permit him to implead as one of the Respondents being necessary party in the Revision Petition.

14. In the reference 10th read above, the Tahsildar, Julurpadu has been directed to cause enquiry into contents of the above representation of Sri Bhukya Haribabu S/o late Hanumanth and submit report to Government.

15. When the case was posted on 25.9.2021, the Tahsildar, Julurpadu has reported that the Revision Petitioner Sri Sobbani Chukkaiah was expired and his family members are not staying in the village – hence, notice could not be served. Further, the Tahsildar, Julurpadu in the reference 11th read above, has submitted detailed report – gist of which is as under:

- During field enquiry, the LRs of Sri Sobbani Chukkaiah (late) are found not residing in Julurpadu Mandal and not having possession of ac.3.00 gts land in Sy.No.257 of Kakarla Revenue village from long time.
- One Kalyanapu Ramesh S/o Ramanujaiah (Non-Tribal) had approached the Tahsildar, Julurpadu stating that Sri Sobbani Venkaiah had sold the land to Sri Kalyanapu Ramanujayya father of Sri Kalyanapu Ramesh in the year 1968 through sada sale deed and from then onwards Sri Kalyanapu Ramanujaiah was cultivating the land. Later, old Meeseva Pattedar Pass Book was also issued by the then Tahsildar, Julurpadu in favour of Sri Kalyanapu Ramesh as he is the legal heir of Sri Kalyanapu Ramanujaiah for ac.3.00 gts land in Sy.No.257 of Kakarla Revenue village. During land records updation programme, the new e-Pattedar Pass Book was also issued to Sri Kalyanapu Ramesh which is in force now.
- While the matter stood thus, another person namely Sri Bhukya Hari Babu S/o late Hanumanth (ST Lambadi) has approached the Government stating that Sri Sobbani Venkaiah S/o Chinna Ramaiah had sold the land to his father i.e. Sri Bhukya Hanumanth in the year 1994 and from then onwards the land in their possession. He has also been impleaded as Respondent No.2 in the case.

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- As regards field possession, local villagers viz., 1) Kalyanapu Bala Krishnayya S/o Ananthayya 2) Kalyanam Gopaiah S/o Ananthayya and 3) Kalyanapu Pramila W/o Ramanujayya have stated that Sri Bhukya Hanumanthu S/o Eerya (father of R2) had purchased ac.3.00 land in Sy.No.257 of Kakarla Revenue village from Sobbani Venkayya S/o Ramaiah. Later, Sri Kalyanapu Ramesh S/o Ramanuj-ayya is cultivating the land under lease basis. Further, Sri Kalyanapu Ramesh S/o Ramanujayya has stated that he has taken the land from Sri Bhukya Haribabu S/o Hanumanthu 6 years ago on lease basis. He further stated that he is having Patta but not aware how he got the patta.
- On verification of old record related to Sy.No.257 of Kakarla Revenue Village, the following details are found:

Pahani Year	Sy.No.	Extent	Pattedar	Enjoyer	Extent
1960-61	257	10.15	Hassan Mohammad S/o Shaik Hussain	Hassan Mohammad	-
1970-71	257	10.15	-do-	-do-	-
1980-81	257	10.15	-do-	Hassan Mohammad	3.15
				Kotte Nagaiah	1.20
				Bukka Pullaiah	0.30
				Pogula Mangamma	1.00
				Sobbani Venkaiah	3.00
				Bukka Krishnaiah	0.30
1990-91	257	10.15	Hassan Mohammad	Hassan Mohammad	1.39
				Kotte Nagaiah	1.20
				Bukka Pullaiah	0.30
				Pogula Mangamma	1.00
				Sobbani Venkaiah	3.00
				Chowdam Krishnaiah	0.30
				Badar Rahee Sulthana	1.13
2000-01	257/A	1.39	Hassan Mohammad	Hassan Mohammad	1.39
	257/AA	8.16	Hassan Mohammad	Kotte Kanthamma	0.30
				Kotte Malliswari	0.30
				Bukka Nagamma	1.20
				Pogula Mangamma	1.00
				Sobbani Venkaiah	3.00
				Chandunahee Sulthana	1.16
2010-11	257/A	1.39	Hassan Mohammad	Bandaru Anasurya	1.00
	257/AA/1	8.16	Hassan Mohammad	-	0.39
				Bandaru Bharathi	1.20
				Bukka Nagamma	0.30
				Pogula Venkateswarlu	0.20
				Bandaru Thirupathaiah	0.20
				Sobbani Venkaiah	3.00
				Bandar Raheem Sulthan	1.16

2013-14	257A	1.39	Mohammad Hassan	Bandaru Anasurya (Chinna Muthaiah)	1.39
	257/AA	7.36	Mohammad Hassan	Bandaru Bharathi (Venkateswarlu)	1.20
				Bukka Nagamma	0.20
				Bandaru Thirupathaiah (Gopaiah)	0.20
				Kalyanam Ramesh (Ramanjaneyulu)	3.00
				Badar Raheem Sulthan	2.16
	257/AA2	0.20	Pogula Venkateswarlu (Chandraiah)	Pogula Venkateswarlu Chandraiah	0.20
2017-18	257/A/1	1.28	Kalyanam Prasad S/o Balakrishnaiah	Kalyanam Prasad S/o Balakrishnaiah	1.28
	257/AA/3	3.00	Kalyanam Ramesh S/o Ramanujaiah	Kalyanam Ramesh S/o Ramanujaiah	3.00
	257/AA	1.00	Mohammad Hassan	Bandaru Thirupathaiah S/o Gopaiah	0.20
	257/AA1	1.20	Bandaru PeddaVenkateswarlu S/o Pedda Gopaiah	Bandaru Pedda Venkateswarlu S/o Pedda Gopaiah	1.20
	257/AA2	0.20	Pogula Venkateswarlu S/o Chandraiah	Pogula Venkateswarlu S/o Chandraiah	0.20
	257/AA3	2.20	Kalyanam Ananthagiri S/o Balakrishnaiah	Kalyanam Ananthagiri S/o Balakrishnaiah	2.20
	257/A	0.11	Mohammad Hassan	Bandaru Anasurya W/o Chinna Muthaiah	0.11

- As verified from old records of Kakarla Revenue village, documents available in the office and also findings of field enquiry, basically the nature of land in Sy.No.257 is "Noukari Inam Patta" issued to Sri Hassan Mohammad during year 1960.
- Sri Sobbani Venkayya father of petitioner Sri Sobbani Chukkaya (Non-Tribal) was in possession of the land from 1980 but was never issued Patta to an extent of acs.3.00. During this period, an LTR case was booked and orders were passed in favour of Government.
- While the Revision is pending before the Government, Sri Kalyanapu Ramesh S/o Ramanjaneyulu (Non-Tribal) has been entered in possession column in the year 2013-14 and also issued with Mee Seva Pass Book.
- During Land Records Updation Programme, Sri Kalyanapu Ramesh S/o Ramanjaneyulu has been issued e-Pattedar Pass Book which is in force now and he is also receiving Rythu Bandhu amount.
- Sri Kalyanapu Ramesh said that the land belongs to Sri Bhukya Haribabu S/o Hanumanthu (Government employee) but Sri Kalyanapu Ramesh is cultivating "Subabul trees" on the land under lease basis.

(Contd...10)

- As verified from the Pahanies neither name of Sri Bhukya Hanumanthu nor name of Sri Bhukya Haribabu was recorded in any Pahani years. He never obtained Pattadar Pass Book. Finally, it is observed that, even though the orders were passed in favour of Government by the lower courts, transactions of the land had taken place between non-tribals.

16. Findings

- i) As per evidence available on record, the transaction took place between two non-tribals viz., Sk.Hassan Mohammad and Sobbani Venkaiah after commencement of the Regulation I of 1970 which is null and void.
- ii) The plea of the proposed implead petitioner Sri Bhukya Haribabu S/o Hanumanthu filed before the Government is not believable as there is no corroborating evidence as to the purchase of land from Sobbani family/documentary evidences recording of his name or his father.
- iii) The other contention that the village Kakarla does not fall under agency area is also not valid as the Division Bench of the Hon'ble High Court in its judgement delivered on 22.01.2021 in Writ Appeal No.1599 of 2018 & WP (PIL) No.127 of 2020 in the case of Thuthaklingappeta village of Enkoor Mandal which was tagged on from erstwhile Madhira Taluq included in the erstwhile Palvancha Taluq at the time of issuance of the Presidential Notification dated 07.12.1950 Therefore, the village Thuthaklingappeta village of Enkoor Mandal was treated as agency village which squarely related to all such villages tagged on from erstwhile Madhira Taluq to erstwhile Palvancha Taluq of erstwhile Warangal District before issuance of Presidential Order, 1950.
- iv) Thus, the Revision Petitioner has failed to prove his case before the lower and appellate authorities and also before the Government.

17. Government after careful examination of the matter, upon perusal of evidences available on record and in view of the above findings the Revision Petition filed by Sobbani Chukkaiah (Later expired) S/o late Venkaiah R/o Kakarla village of Julurpadu Mandal, Bhadradi Kothagudem District (erstwhile Khammam District) is hereby DISMISSED duly upholding orders of the lower and appellate authorities i.e the Special Deputy Collector (Tribal Welfare), Palvancha in LTR case No. 1250/94/JLP, dated 16.08.1995 and the Additional Agent to Government & Project Officer, ITDA, Bhadrachalam in CMA No.46/2003, dated 30.11.2004 respectively.

18. The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam, Bhadradi Kothagudem District shall take necessary further action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

Dr.CHRISTINA Z.CHONGTHU,
SECRETARY TO GOVERNMENT.

To

The Additional Agent to Government & Project Officer, ITDA, Bhadrachalam
Bhadradi Kothagudem District (By RPAD)

The Special Deputy Collector (TW), Bhadrachalam,
Bhadradi Kothagudem District (By RPAD)

LR's of Late Sobbani Chukkaiah S/o late Venkaiah R/o Kakarla village,
Julurpadu Mandal, Bhadradi Kothagudem District (By RPAD)

Sri Bhukya Haribabu S/o late Hanumanth
R/o Regallathanda, Laxmidevipalli Mandal,
Bhadradi Kothagudem District (By RPAD)

(Contd...11)

Copy to:-

The District Collector, Bhadradi Kothagudem District
Sri R.R.Kalyan, Advocate, H.No.8-84, Road.No.3,
Gowthaminagar, Dilsukhnagar, Hyderabad - 500 060. (By RPAD)
The Tahsildar, Julurpadu Mandal,
Bhadradi Kothagudem District (By RPAD)
(With a direction to serve the copy of GO to concerned parties).
The P.S to Hon'ble Minister (STW)
The P.A to Secretary (TW)
The P.A to Special Secretary (TW).
SC/SF.

//FORWARDED::BY ORDER//

SECTION OFFICER.